

APPROVED: Meeting No. 11-83

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 9-83

April 11, 1983

The Mayor and Council of Rockville, Maryland, convened in executive session, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, April 11, at 7:00 p.m. to discuss personnel items.

There being no further items to come before the Mayor and Council in executive session, the meeting was adjourned at 7:55 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, April 11, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan;
City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City has been notified that the Maryland Humanities Council has awarded a \$10,160 grant to support development of a traveling photographic exhibition in related public programs documenting the history of Rockville. This project will be supervised by the Humanities Commission.
2. About 800 young people participated in the annual Easter Egg Hunt at the Civic Center and Welsh Park.
3. Building permits have been issued for a 112,000 square foot office building on Piccard Drive; two buildings at the Red Gate Industrial Park - one 31,000 square feet and the other 32,000 square feet; and, 43 single family homes - 20 in Orchard Ridge, 9 in North Farm, 8 in Rockshire, 2 in Falls Bend and 4 in Montrose Woods.
4. In order to comply with federal law, the City Manager will conduct a public hearing on the proposed uses of revenue sharing funds on Monday, April 18, at 7:00 p.m.

5. Last week, HB1277 on Home Rule Clarification passed the Senate and was sent to the Governor for signing. Also, SB551 pertaining to enclave annexation was reported out of the House Senate Conference Committees and voted on successfully. All seven of Rockville's enclaves fall within the criteria pertained in the law. Mayor Freeland asked the staff to prepare an action plan for the annexation and have it on an agenda quickly. He asked that appropriate letters of appreciation be sent to our representatives in the legislature.

Mayor Freeland recognized Reverend Mansfield Kaseman of the Rockville United Church. Reverend Kaseman introduced five students who are candidates for confirmation in the Church. A portion of the confirmation preparation includes active involvement in the community. They are here this evening to witness their government first hand. He introduced the students to the Mayor and Council. Mayor Freeland welcomed the students and presented them with flag pins.

Re: Appointments

Mayor Freeland appointed JoAnn Mazzetta as Chairman of the Human Rights Commission. The Council confirmed the appointment. Mayor Freeland expressed his appreciation for the work Richard Pyle did as Chairman.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. John Brewer, 100 North Van Buren Street. Mr. Brewer drew the attention of the Council to the testimony to be approved on the hearing for the licensing of the Country Inn. He said the problems have been of great concern to the people of the West End and the Association is thankful to the Mayor and Council for their interest and involvement.

2. Elaine Goldberg, 719 Harrington Road. Mrs. Goldberg briefed the Mayor and Council on the events at the Orchard Ridge subdivision which is seeking a boundary change to the Fallsmead/Wootton cluster from the Beall/Richard Montgomery cluster. The Commission has protested this action on this item by the School Board since it is a departure from established procedures. The Commission has written and expressed its feelings and Dr. Andrews has agreed. Mrs. Goldberg plans to address the Board at its meeting tomorrow and reiterate her statements. Councilman Abrams asked the City Attorney to see if matters such as this are addressed in the agreement the City signed with the School Board.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Council approved the general content of the letter. The Mayor stressed that the Mayor and Council are only asking the Board to follow procedures but are not at this time making any decision on the merits.

3. Steve Fisher. Mr. Fisher presented a copy of the new by-laws of the Rockville Civic Federation to the Mayor and Council.

4. Dennis Cain, 502 Carr Avenue. Mr. Cain is a member of the Town Center Parking Committee. He said that several weeks ago Robert Shawn, Chairman of the committee, presented a final report to the Mayor and Council. He prepared a minority report and gave it to the staff to be typed. The report circulated from the staff through many areas including the newspaper and he came tonight to apologize to the Mayor and Council since they did not receive it. He explained that it is a minority report of one person who has strong feelings and comments on the fact that the large development will generate traffic which will impact the streets in the West End. Mayor Freeland thanked Mr. Cain and said there will be a meeting of all the groups involved to discuss the issues very soon.

There being no other citizen wishing to address the Mayor and Council, the Citizen's Forum portion of the meeting was closed.

Re: Public Hearing:
Map Amendment Application, M-33-83,
Mayor and Council of Rockville,
Applicant, requesting that two
parcels of land, comprising a
total of six acres, on Rockville
Pike at Ritchie Parkway, the
Dawson Farm, be placed in the
Historic District

The Mayor and Council of Rockville, conducted a public hearing on Map Amendment Application, M-33-83, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to speak, the Mayor closed the hearing with the record to be held open for six weeks.

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Re: Public Hearing: Street Closing Application, SCA-42-83. Harry W. Lerch, et al, Applicants, requesting that a public way located at the intersection of Ritchie Parkway and Rockville Pike be abandoned

The Mayor and Council conducted a public hearing on Street Closing Application, SCA-42-83, Harry W. Lerch, et al, applicants, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for six weeks.

Re: Public Hearing: Street Closing Application, SCA-43-83, WMATA, applicant, requesting the abandonment of an unused portion of Stonestreet Avenue right of way at the Rockville Metro Station.

The Mayor and Council conducted a public hearing on Street Closing Application, SCA-43-83, Washington Metropolitan Area Transit Authority, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for 10 days.

Re: Public Hearing: Text Amendment Application, T-54-82, Burgundy Park Associates, Applicant, requesting that the text of the Zoning and Planning Ordinance be amended so that any record lot located both within and without of the corporate limits may be regulated by the laws of Montgomery County upon approval by the Mayor and Council of Rockville.

The Mayor and Council conducted a public hearing on Text Amendment Application, T-54-82, Burgundy Park Associates, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for 1 week.

Re: Award of Contract: Bid
No. 25-83, right-of-way
maintenance Ritchie Pkwy
and Gude Drive

Invitation for Bid No. 25-83 was issued for the mowing of Ritchie Parkway and Gude Drive. Bids were opened on Thursday, March 31, 1983, at 3:00 p.m. in the Board and Commission Room and three bids were received as follows:

Commercial Lawn and Landscaping, Inc.	\$23,688
T & B Lawn Maintenance	25,200
Worthington Associates	26,775

The contractor has been performing satisfactorily for the City under last year's contract for mowing the above-referenced sites.

The staff recommends an award to Commercial Lawn and Landscaping, Inc. for \$23,688.00. The budgeted amount was \$26,100.00.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 25-83 for maintenance of Ritchie Parkway and Gude Drive was awarded to Commercial Lawn and Landscaping, Inc., in the amount of \$23,688.

Re: Award of Contract: Bid
No. 42-83, Traffic Signal
Ritchie Parkway and Seven
Locks Road

This project provides for construction of a traffic signal at the intersection of Seven Locks Road and Ritchie Parkway. The primary purpose of the installation is to improve safety at this intersection of two arterial roadways where lack of sight distance has been a problem. It also will provide efficient traffic operation, and provide pedestrian crossing protection. In the longer term, the signal will be used to provide efficient intersection control in conjunction with the extension of Ritchie Parkway over I-270.

Five bids were received as follows:

Century Traffic Services, Rockville, Maryland	\$21,892.00
Hawkins Electric Company, College Park, Maryland	22,915.75
Simpson Electric Company, Annapolis, Maryland	26,552.00
Henkels & McCoy, Inc., Blue Bell, Pennsylvania	32,045.80
Carr & Duff, Huntington Valley, Pennsylvania	43,797.50
Engineer's Estimate	25,787.00
Budget Appropriation	35,000.00

Century has done considerable traffic signal work for the City and locally for the State Highway Administration. Hawkins is the City's signal maintenance

contractor. Both companies have performed excellently for us in previous traffic signal work.

The budget appropriation of \$35,000 is also intended to cover purchase of a controller from the State Highway Administration (approximately \$8,000), pavement markings, lighting, signs, and other items that may be added to make the intersection "complete". An additional \$5,000 has been appropriated for design and inspection.

Following Council approval on April 11, the signal should be in operation by mid-July. This schedule assumes timely delivery of all equipment from suppliers.

The staff recommends awarding Bid No. 42-83 to Century Traffic Services, for its low bid of \$21,893.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 42-83, for traffic signal at Ritchie Parkway and Seven Locks Road, was awarded to Century Traffic Services, in the amount of \$21,893.00.

Re: Approval of storm water
management waiver for
construction of indoor
pool

The addition to the Swim Center at 355 Martins Lane, in Welsh Park, located in the upper reaches of the Watts Branch drainage area, nearly doubles the size of the existing main building.

The runoff from the 0.34 acres of new impervious area drains toward the Welsh Park SWM project E-22, now being designed, in the southwest corner of the Park. SWM could be provided for the addition nearby in an underground structure at an estimated cost of \$10,000, or it could be provided by enlarging the public structure E-22, some 600 feet away. The primary reason for constructing E-22 is to provide SWM for the increased runoff from the existing development at the Swim Center complex.

The contribution would be \$4,080 ($0.34 \times \$12,000$) because the new impervious areas are not equal or greater than those presently existing on the site.

Since open, visible SWM structures are more desirable than underground structures for maintenance purposes, and since E-22 can be enlarged to compensate for the additional runoff, it is recommended that a contribution be made toward the public structure in the amount of \$4,080, subject to concurrence by the Montgomery Soil Conservation District.

Councilman Tyner asked where the \$4,080 comes from. The City Manager explained that it would be transferred from the construction fund.

On motion of Councilman Duncan, duly seconded and unanimously passed, the storm water management waiver was granted subject to concurrence by Montgomery Soil Conservation District and the contribution of \$4,080 was accepted.

Re: Approval of use of
\$3,680, Arts in Public
Places funds for art in
five parks

On January 15, the Cultural Arts Commission, met to discuss the "Art in Public Places Architecture" Ordinance requirements for the City's park projects. The following projects and 1% monies are:

- | | |
|-----------------------|---------|
| 1. Horizon Hill Park | \$2,200 |
| 2. James Monroe Park | 632 |
| 3. North Farm Park | 2,141 |
| 4. Rockmead | 367 |
| 5. Woottons Mill Park | 1,980 |

The commission feels the five park projects warrant appropriate artwork in the amount of \$2,200 at each site. They recommend that the Mayor and Council allot \$3,680 from the "Arts in Public Places" program of the CIP to supplement the park projects.

The Commisison would like to select the artists by using the following process:

1. In early March, general press releases and public service announcements be sent out to local media.
2. Artists who wish to be considered for the park projects must submit slides and biographical material by Friday, April 1.
3. The selection committee, consisting of the Cultural Arts Commission, Gary Butson, and Jack Van Dopp (landscape architects) and representatives of Recreation and Parks Advisory Board will view and discuss the slides and narrow the field of artists to 10 finalists.
4. In April, the finalists will tour the parks and submit a narrative and proposal for a specific park.
5. The committee will select five artists for the parks by early May.

Councilman Tyner suggested that the money be kept as budgeted and no changes be made so that all artists competing start and end at the same point.

On motion of Councilman Abrams, duly seconded and unanimously passed, the \$3,680 in funds were added to the project and the selection process was approved.

April 11, 1983

Re: Adoption of Long-Range
Plan for Parks, Recreation
and Open Space

Charles Leasure, Chairman of the Recreation and Park Advisory Board, presented the plan to the Mayor and Council. He noted that they had seen it in draft form and it is now ready through 1990. He explained that it is a product of input from citizens and civic associations whose views were included, surveys were developed and placed at the pool and golf course for comment. Councilman Tyner said he is pleased to accept the report tonight, but he will suggest the Mayor and Council await approval until the CIP is approved. He said the Housing Policy Task Force report should be done and the future program Open Space funds are still up in the air. Accepting a plan that will run until 1990 might be inappropriate without all this other information. The Council discussed Councilman Tyner's points.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Council agreed to accept the report this evening but defer adoption until after budget action is taken with appropriate comments to be received. Final action will be taken no later than December.

Councilman Tyner asked if the Recreation and Park Board would provide its reaction to the Planning Commission's memo. Mr. Leasure said the Board would be most happy to do that.

Re: Introduction of Ordinance:
To amend Chapter 6, Zoning
and Planning Ordinance to
provide for appeals from
decisions of the Historic
District Commission

On motion of Councilman Abrams, there was introduced upon the table an ordinance to amend Chapter 6 of the Zoning and Planning Ordinance, said ordinance to lay over at least one week before final action is taken.

Re: Review of Action Plan for
development of housing on
Maryvale School site

At the time the former Maryvale School was acquired by the City, it was the goal of the Mayor and Council to recoup the City's investment by selling a portion of the property to be developed as housing for moderate income households. Such an action would then meet three goals: (1) the problem of the Maryvale School would be resolved, (2) the City investment would be recovered,

and (3) the moderate income housing stock of the City would be increased.

The amount of money to be regained is \$96,000. That amount was computed as follows:

\$78,500	Purchase Price
7,500	Church Development Corporation
<u>10,000</u>	Survey and Administrative Costs (projected)
\$96,000	Total

It is proposed that the RFP be utilized as the means of soliciting and evaluating development proposals for the site.

Councilman Duncan suggested that since the City was attempting to regain its investment at a total of \$96,000, that \$7,500 be added to that amount in order to reimburse Montgomery County for their contribution to the Church Development Corporation. The Council discussed this at length but did not amend the amount suggested to reflect the \$7,500 to the County. Several suggestions were offered during the review process for changes in the RFP. They were as follows:

- (1) Simply state the minimum bid for the land would be \$100,000.
The Council agreed with this change.
- (2) Strike reference to "affordable housing".
The Council did not agree to this.
- (3) Strike reference to "moderate income housing".
The Council did not agree to this.
- (4) Invite the neighborhood to the Pre-Proposal Conference (not necessarily to include in RFP - neighborhood representatives will be invited to attend).
The Council agreed to this.
- (5) Call the document "Expressions of Interest" instead of "Request For Proposals"
The Council did not agree to this.
- (6) Loosen financial and experience requirements to allow participation by more small developers.
The Council did not agree to this.

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff request was approved by the Council.

Mayor Freeland commented that it was the Council's intention to place on the Maryvale site an imaginative product. This was meant as a combined use of park land and the land for housing to produce something innovative. He said

no imagination could show itself in the project when a bidder is dealing with a specified piece of land that allows no latitude. He thought this should be noted in the proposal.

Re: Adoption of Ordinance:
To add Chapter 23 to the
"Laws of Rockville, entitled
"Homeowners' Associations"
to require open meetings

Ordinance No. 8-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 8-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council adding a new Chapter 23 to the "Laws of Rockville" entitled "Homeowners' Associations" was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To grant Text Amendment
Application, T-35-80,
to increase parking require-
ments for housing for the
elderly

Ordinance No. 9-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 9-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, increasing parking requirements for housing for the elderly, was adopted by the Mayor and Council.

Re: Approval of testimony
concerning the renewal of
a liquor license at the
Country Inn on Dawson Ave.

The Council discussed the testimony and suggested that Chief Stout, or his designee appear at the hearing.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Council approved the testimony.

(At this time the Council took a brief recess as a call came from the legislature to announce that the double tax bill passed as did the enclave bill. In addition, program open space funds were approved and increased by \$2.5 to \$3 million for a total of \$7.5 to \$8 million.)

Re: Correspondence

The Mayor and Council noted the following items of Correspondence:

1. Human Rights Commission, letter re Evaluation Report

Councilwoman Hovsepian said comments from the Council will be sent to the Human Rights Commission at a later date since the report discussed was just received by the Council this evening.

2. M. Hartman, re speeding problems
3. M. Reiss, re undeveloped land behind Ritchie Parkway at I-270
4. S. Groft, re RBBA opening day
5. Letters re HBI277
6. TCA re thank you letter
7. C.J. Engle, re Country Inn

Councilwoman Hovsepian suggested the City's testimony be sent to Ms. Engle.

8. R.L. Black, re Orchard Ridge School Boundary
9. B. Grossman, re Small Business Week.

Councilwoman Hovsepian noted that would be a good idea.

Re: Information Items

1. Letter to Montgomery County re cable television agreement
2. Memo from Planning Department re townhouse development in Rockshire
3. Copy of letter re City land purchase

Councilman Tyner said he is quite interested and the City might be considering purchasing the land.

4. Copy of letter from Peerless Rockville re Dawson Farmhouse negotiations
5. Copy of memo re Zoning Text Amendent Procedure

Councilman Tyner asked the current procedures. The City Attorney explained.

6. Memo from City Attorney re King v. F.O. Day
7. Article on Zoning for Downtown Urban Design
8. Recommendations from Traffic and Transportation Commission re Argyle Street traffic

Councilwoman Hovsepian said this seems to be a good recommendation. Any decision should be made prior to school opening so that buses can be aware of the change.

9. Information on Expansion of Seven Locks Road Detention facility.

Councilman Duncan said that the County's Criminal Justice Commission is forming a work group to assess the needs of the Detention Center over the next few years. This current expansion will be the last one. He said he may be a member of the work group. The City Manager suggested the Mayor and Council attend the meeting of the Planning Commission on April 27 when a briefing will be given to them.

10. Planning Commission testimony to MNCPPC re Shady Grove Vicinity Master Plan.
11. Economic Update
12. Information on Summer Youth Employment Program
Councilwoman Hovsepian said she is in favor of continuing this program.
13. MML Legislative Bulletin
14. Information on CDBG funding for Rockville Housing Authority
15. Memo from Public Works re Sign and Signals at Rollins Avenue
16. Recreation and Parks Project list
17. Letter to Metro re parking lot landscaping
18. Memo from CDHA re Summit Apartments

This is a request for City's assistance with bonding. Councilwoman Hovsepian asked if this is possible to accomplish. The City Manager said the Housing Authority has done it before. Councilman Abrams asked if a relocation plan has been filed. Mr. Horne said the relocation plan is not complete. It would be a bit premature right now. Councilman Abrams noted that this could have influence on the housing mix in the City and it would be a most appropriate matter for the Housing Policy Task Force to investigate. From a policy standpoint, the City could determine that it is not in the City's best interest to assist. The City Manager said it could be a condominium project, but definitely needs rehabilitation. The City Manager said it has always been within the City's power to stop the project. Mayor Freeland said there are limits to where the City can push a private owner. At one time the City attempted to do this and managed to create the Berlin Apartments which was probably similar to this situation.

Re: New Business

1. Councilwoman Hovsepian said the Housing Policy Committee will be meeting tomorrow evening, at 7:30 p.m. The speaker will be Patrick Hare.
2. Councilwoman Hovsepian commented on the following March 25, FY1:
 2. Information on Trucks on First Street
She suggested that the ordinance amendment be brought to the Council to keep the trucks off First Street.
 4. Information re Use of Closed Schools for Emergency Housing
She asked that this be forwarded to the Stepping Stones Community.
 5. Memo from L&I re shopping center plan
She said the plan submitted by L&I should be implemented.
 9. RHA Matters
She said the letter should be followed through.

11. DOT letter re ramp removal.

She said it looks like the City will have to take care of it.

18. Report on WRITE program

She said she is pleased to see this program going forward.

3. Councilman Abrams asked if the staff has received any better data on the Rockyville Pike/Talbott intersection. He asked that it be monitored this summer and he would like to have forwarded to him a copy of the standards.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 7-83, March 14, 1983, were approved as written.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 8-83, March 21, 1983, were approved as written.

Re: Executive Session

On motion of Councilman Duncan, duly seconded and unanimously passed, the meeting was closed for executive session to discuss property disposition and personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 12:45 a.m. to convene again in general session on Monday, April 25, 1983, at 8:00 p.m. or at the call of the Mayor.